



SIA School of International Arbitration



WIPO | ADR

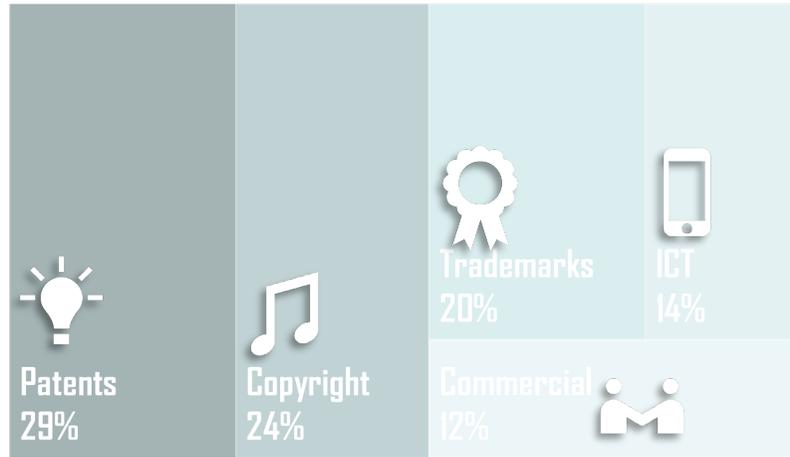
Arbitration
and Mediation
Center

SIA-WIPO Joint Online Symposium: Managing and Resolving Life Sciences Disputes Through Mediation and Arbitration

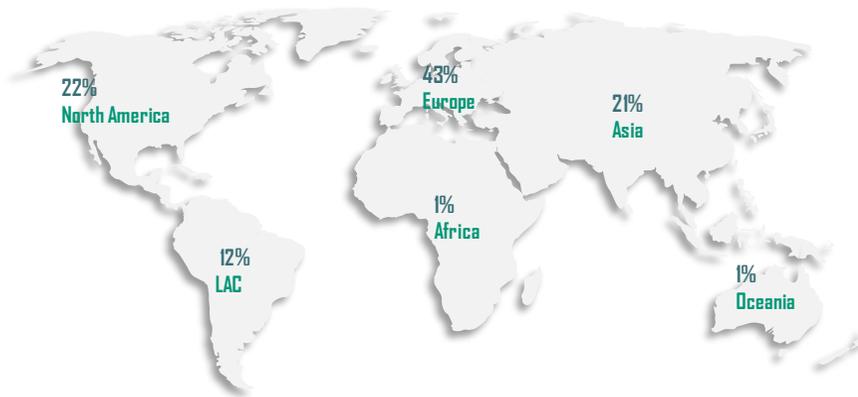
June 14, 2022

WIPO ADR Caseload

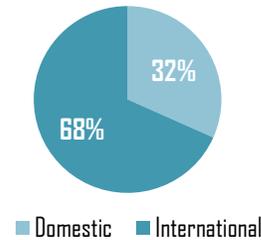
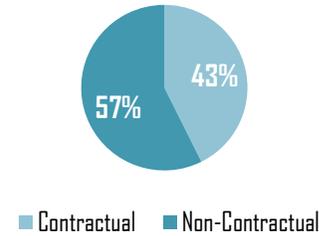
Legal Area



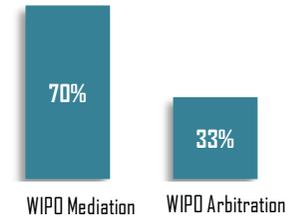
Party Location



Case Source



Settlement Rate

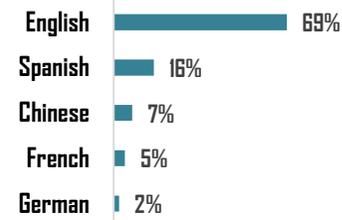


2021

75% settlement rate in 2021 in WIPO Mediation
Increased use of **WIPO online case tools**

+45% in 2021 caseload

Language



WIPO ADR Services for Life Sciences

- Approximately 15% of WIPO Arbitration and Mediation cases relate to life sciences
- Disputes relate to a wide variety of life sciences agreements, including:
 - patent licensing agreements (including trade secrets, know-how/show-how)
 - R&D agreements (including clinical data)
 - non-disclosure agreements
 - material transfer agreements, manufacturing and distribution agreements
- Typical claims:
 - patent ownership / co-ownership
 - contractual obligations (performance, sub-licensing, royalty payment/adjustment, contract termination)
 - injunctive relief, damages

WIPO ADR Services for Life Sciences

- Parties in WIPO life sciences cases include:
 - biotech companies
 - originator companies
 - generic companies
 - medical devices and diagnostics companies
 - universities and tech transfer offices
 - start-ups

- Standard and tailored clauses and submission agreements

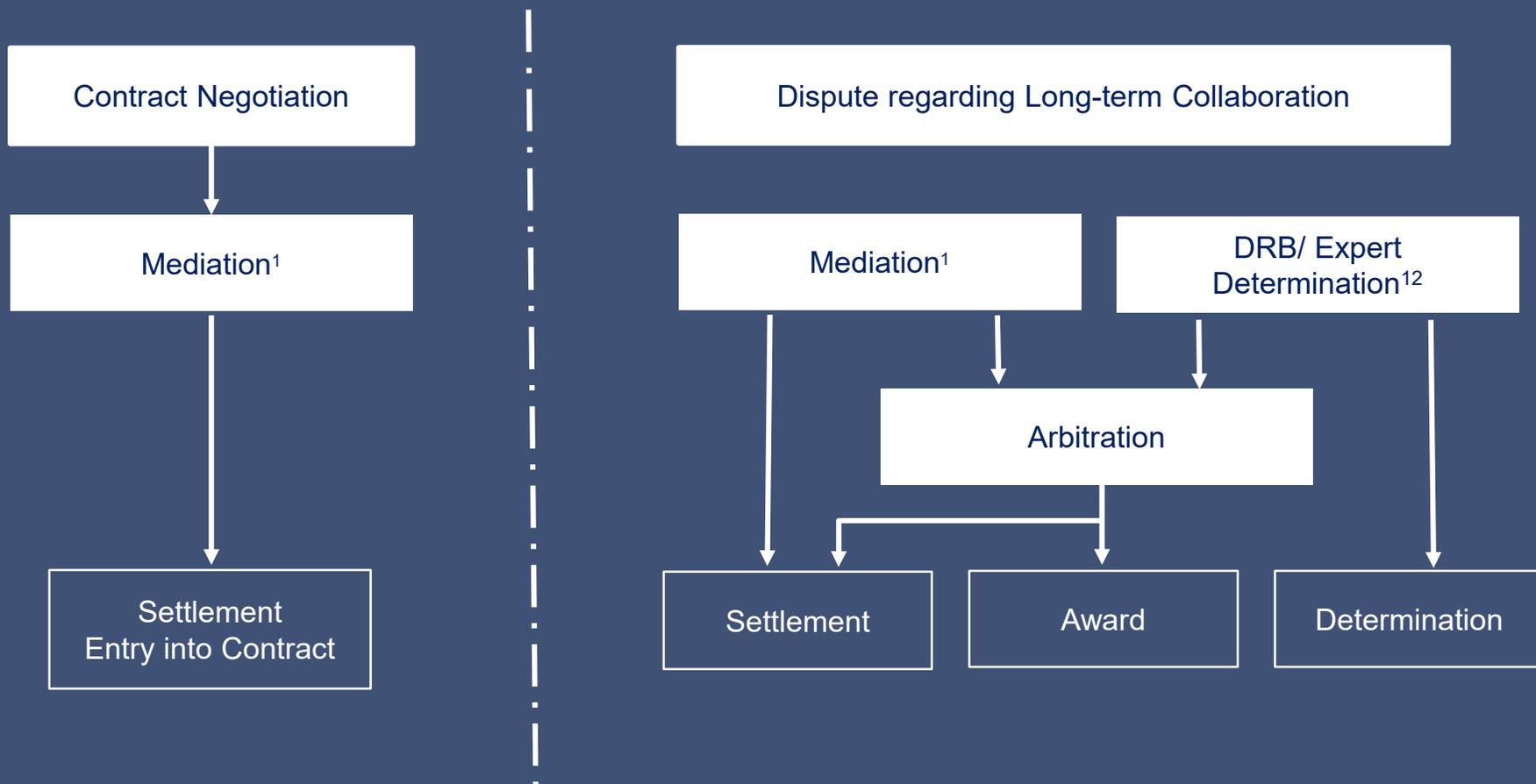
WIPO Model Clause Example: Mediation followed by Expedited Arbitration

"**Any dispute**, controversy or claim arising under, out of or relating to this contract and any subsequent amendments of this contract, including, without limitation, its formation, validity, binding effect, interpretation, performance, breach or termination, as well as non-contractual claims, **shall be submitted to mediation in accordance with the WIPO Mediation Rules**. The place of mediation shall be [**specify place**]. The language to be used in the mediation shall be [**specify language**]"

If, and to the extent that, **any such dispute**, controversy or claim **has not been settled pursuant to the mediation within [60][90] days of the commencement of the mediation**, it shall, **upon the filing of a Request for Arbitration by either party, be referred to and finally determined by arbitration in accordance with the WIPO Expedited Arbitration Rules**. Alternatively, if, before the expiration of the said period of [60][90] days, either party fails to participate or to continue to participate in the mediation, the dispute, controversy or claim shall, upon the filing of a Request for Arbitration by the other party, be referred to and finally determined by arbitration in accordance with the WIPO Expedited Arbitration Rules. The place of arbitration shall be [**specify place**]. The language to be used in the arbitral proceedings shall be [**specify language**]. The dispute, controversy or claim referred to arbitration shall be decided in accordance with [**specify jurisdiction**] law."

<https://www.wipo.int/amc/en/center/specific-sectors/lifesciences/clauses>

New Tailored WIPO ADR Procedures for Life Sciences Disputes



¹If a Mediator is appointed to facilitate contract negotiation, the parties may wish to have the same mediator:

a) assist with any dispute that arises during the duration of the contract

b) appointed to the DRB

²Parties may avail the WIPO IP Valuation option under the WIPO Expert Determination Rules.